

REMARKS

This application has been reviewed in light of the Office Action mailed on January 13, 2005. Claims 1-20 are pending in the application with Claims 1, 12, 16 and 20 being in independent form. By the present amendment, Claims 1, 12, 16 and 20 have been amended. No new matter or issues are believed to be introduced by the amendments.

(1) In the Office Action, Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,587,672 issued to Chuah et al. (hereinafter "Chuah") in view of U.S. Patent No. 6,490,461 issued to Muller

Applicant appreciates the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on February 23, 2005. Prior to the telephonic interview, the Examiner requested that Applicant's Attorney send a summary of the points to be raised during the interview. Applicant's Attorney provided the summary by fax on February 22, 2005. During the telephonic interview, the points made in the faxed summary were raised again with the Examiner. Specifically, Applicant's Attorney pointed out to the Examiner that (1) Chuah does not teach re-transmission of data and (2) Chuah does not teach re-transmission as a function of the disparity between the target and actual quality of reception parameters. The Examiner requested that the arguments presented by Applicant's attorney be formally provided in an official response to the instant Office Action.

Upon a closer reading of Chuah, it is acknowledged that Chuah teaches re-transmission. However, it is submitted that while Chuah teaches re-transmission, Chuah remains distinguishable from the present invention in at least two important respects.

First, as provided by Applicant's Attorney in the faxed summary, Chuah does not *teach re-transmission at a second power level which is controlled on the basis of the disparity between target and actual quality of reception parameters for the second information units*, as recited in Claim 1. Rather, Chuah teaches re-transmission at one of three different pre-determined power levels depending upon the signal strength of the received signal. Pre-determined power levels are taught in Chuah in the summary which was further summarized in the pseudo-code by Applicant's Attorney (see faxed summary) describing the multi-threshold signal reception method of Chuah. Specifically, Chuah teaches that the signal strength in a re-transmission may be increased by either a 1st predetermined amount, a 2nd predetermined amount or a 3rd predetermined amount, depending upon the signal strength of the initially received signal.

In the invention, a signal re-transmission occurs at a second power level which is controlled on the basis of the disparity between target and actual quality of reception parameters for the second information units. Accordingly, the second power level is variable, the variability dependent upon a constantly changing operating environment. Accordingly, the second power level cannot be pre-determined as taught in Chuah.

Chuah is further distinguishable from the present invention in a second important aspect. Specifically, the target quality of reception parameter changes in a re-transmission in accordance with the invention, as recited in Claim 1 which recites: *...wherein the target quality of reception parameter for said second information units is different to the target quality of reception parameter for said first information units, the second information units allowing the content of the first information units to be established*. In accordance with the principles of the invention, a rational for providing a variable target quality of reception parameter is found in the Specification of the instant invention at page 4 wherein it is stated,

"Thus, by aiming to achieve reception of second information units (in a re-transmission) possessing a quality of reception parameter superior to the quality of reception parameter of first information units, the probability of successful reception of the second information units is increased with respect to the probability of successful reception of the first information units. The raising of the target quality of reception parameter for the second information units is generally favored where the first information units are discarded if received in error".

Chuah, by contrast, teaches two fixed threshold parameters, namely DTHRESH and PTRESH, that are unchanged in a re-transmission.

As a further distinction, Claim 1 has been amended herein to better define Applicant's invention over Chuah. Claim 1 now recites limitations and/or features which are not disclosed by Chuah.

Claim 1 as amended herein recites in part:

transmitting second information units associated with the first information units, for which first information units the monitoring did not indicate correct reception occurred, at a second power level which is controlled on the basis of the disparity between target and actual quality of reception parameters for said second information units, wherein the target quality of reception parameter for said second information units is different to the target quality of reception parameter for said first information units, the second information units allowing the content of the first information units to be established and wherein the second power level may be less than or greater than the first power level.

Claim 1, as amended, recites that the second power level may be less than or greater than the first power level. An objective of the invention is the overall reduction in transmission power which is of particular benefit in the case of an exhaustible power source, such as a battery. In the interest of power saving, re-transmitted information may be transmitted at a power level which may be less than the initial power level. This feature provides benefits such as extended operating time in the case of battery powered equipment, the use of smaller lighter batteries or the use of more economical battery technology.

By contrast, Chuah only teaches that the signal strength may be increased by different pre-determined amounts and never decreased.

The Examiner cites Muller for curing a deficiency of Chuah. Specifically, the Examiner cites Muller for teaching monitoring means for monitoring if correct reception of the transmitted units occurred at the receiver. It is respectfully submitted that teaching monitoring means does not cure the aforementioned deficiencies of Chuah.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 1 and allowance thereof are respectfully requested.

Additionally, Claims 2-11 depend from independent Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 2-11 are believed to be allowable over the cited references, alone and in combination. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 2-11 and allowance thereof are respectfully requested.

Claims 12, 16 and 20, as amended, recite features which are found in Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 12, 16 and 20 are believed to be allowable over the cited references, alone and in combination.

Additionally, Claims 13-15 and 17-19 depend from independent Claims 12 and 16, respectively, and therefore contain the limitations of Claims 12 and 16. Hence, for at least the same reasons given for Claim 12 and 16, Claims 13-15 and 17-19 are believed to be allowable over the cited references, alone and in combination. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 13-15 and 17-19 and allowance thereof are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 20 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Dicron Halajian, Esq., Intellectual Property Counsel, Philips Electronics North America Corp., at 914-333-9607.

Respectfully submitted,



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